

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APRIL WALLACE,

Defendant.

CR-05-132-BLG-DWM

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

On June 21, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the May 23, 2013 petition for revocation of Wallace's supervised release. Docs. 45 & 36. Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed.R.Crim.P. 59(b)(2). But consistent with this Court's "full authority" to review the Findings and Recommendations under any

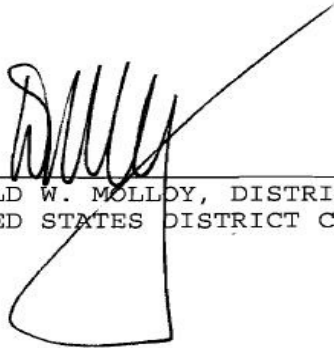
standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1985) this Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Wallace’s admissions to violating Standard Condition Number 9 on one occasion and Standard Condition Number 3 on two occasions, Judge Ostby recommends supervised release be revoked. Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendations (doc. 45-1) and sentence Wallace to 7 months incarceration, followed by 25 months supervised release.

I find no clear error in Judge Ostby’s Findings and Recommendation (doc. 45) and I adopt them in full.

Accordingly, IT IS ORDERED that Wallace’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 11th day of July, 2013.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT